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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,017	10/16/2001	B. Heath Scoggin	BUS-026166	5552

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EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,017

Applicant(s)

SCOGGIN ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The formal drawings filed on 12/04/01 (paper # 2) have been damaged in the mail (due to the irradiation). Thus, the Applicant is required to submit a substitute set of formal drawings.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the parallel connection of the first and second primary fuse links as recited in claims 6, 12, and 16 must be shown. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 recites “the other of said first and second contact assemblies comprising a bullet contact assembly”. The aforementioned recitation contradicts with the recitation of parent claim 8 that reads as following: “said first and second contact assemblies comprising a terminal stud contact assembly”. The aforementioned two conditions cannot be met in the same device as disclosed in present application.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18 and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/5,559,262 to Happ et al., (Happ).

Regarding claim 18, Happ disclosed (Fig. 3) a fused disconnect switch comprising: a switch housing comprising a fuse receptacle (30) and a first line-side (39) and a first load-side (40) contact assemblies extending from said receptacle (30); and a primary fuse link (14) within said housing, but did not disclose a second primary fuse link extending between a second line-side contact assembly and a second load-side contact assembly.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to provide a second primary fuse link in said device of Happ in order to increase current rating of the device, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 23, Happ disclosed that said fuse further comprising an electronic monitoring circuit (Fig. 4, elements (48, 56)).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Happ in view of US/5,355,274 to Marach et al., (Marach).

Happ disclosed all of the claims limitations as apply to claim 18, but did not disclose the stud-type contact assemblies.

Marach disclosed (Fig. 19) a protective switch for communication systems having stud-type contact assemblies (718, 722).

Since the inventions of Happ, and of Marach are from the same field of endeavor (protective devices for power distribution of communication systems), the purpose of the stud-type contact assemblies disclosed by Marach would be recognized in the invention of Happ.

It would have been obvious to a person of ordinary skill in communication and/or electrical protective device arts at the time the invention was made to modify said device of Happ by providing it with stud-type contact assemblies as taught by Marach, in order to enhance installation features of the device of Happ and to accommodate the device for particular power distribution panel and/or for particular application.

8. Claims 19, 20, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Happ in view of US/6,002,580 to LeVantine et al., (LeVantine).

Happ disclosed all of the claims limitations as apply to claim 18, but did not disclose the bullet-type contact assemblies.

LeVantine disclosed (Fig. 6) a protective switch for communication systems having bullet-type contact assemblies (104, 106).

Since the inventions of Happ, and of LeVantine are from the same field of endeavor (protective devices for power distribution of communication systems), the purpose of the bullet type contact assemblies disclosed by LeVantine would be recognized in the invention of Happ.

It would have been obvious to a person of ordinary skill in communication and/or electrical protective device arts at the time the invention was made to modify said device of Happ by providing it with bullet-type contact assemblies as taught by LeVantine, in order to enhance installation features of the device of Happ and to accommodate the device for particular power distribution panel and/or for particular application.

Regarding claim 22, Happ disclosed that the load-side contact assemblies might be connected to a common bus (column 5, lines 35+).

9. Claims 1-8 and 10-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/5,559,662 to Happ et al., (Happ) in view of US/5,355,274 to Marach et al., (Marach) and further in view of US/6,002,580 to LeVantine et al., (LeVantine).

Regarding claims 1-3, 7, 8, and 13, Happ disclosed (Fig. 1-7) a fused disconnect switch comprising: at least one switch housing assembly comprising a fuse receptacle (30) and first (39) and second (40) terminal contact assemblies; and a retractable fuse (10) comprising a housing, a primary fuse link (14) within said housing and an open circuit indication device (48) within said housing, but did not disclose that said terminal contact assemblies comprising a stud and/or a bullet contact assemblies.

Marach disclosed (Fig. 5) a fused disconnect switch for communication systems comprising stud terminals (122, 184, 188).

LeVantine disclosed (Fig. 6) a protective switch for communication systems comprising bullet contact assemblies (104, 106).

Since the inventions of Happ, Marach, and of LeVantine are from the same field of endeavor (protective switches for communication systems), the purpose of the bullet type and of the stud type terminals disclosed by Marach and LeVantine would be recognized in the invention of Happ.

It would have been obvious to a person of ordinary skill in communication and/or electrical protective device arts at the time the invention was made to modify said device of Happ by providing it with bullet type or with stud type terminals or with their combinations thereof as taught by Marach or by LeVantine, in order to enhance installation features of the device of Happ and to accommodate said device for particular power distribution panel and/or for particular application.

Regarding claim 4, 10, and 14, Happ, Marach, and LeVantine disclosed all of the claims limitations as apply to claims 1, 7, and 13, respectively, but did not disclosed a particular rating of the device (130 amps to 250 amps).

It would have been obvious to a person of ordinary skill in communication and/or electrical protective device arts at the time the invention was made to select any suitable range of the device ratings, including the aforementioned range of 130amps to 250 amps, in order to provide proper coordination with upstream protective devices and to provide sufficient level of protection for a load, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claims 5 and 17, Happ disclosed that said open circuit indication device comprising a high resistance (56) electronic circuit (Fig. 4).

Regarding claims 11 and 15, Happ disclosed that said fuse comprising an alarm terminal (LED terminal shown on Fig. 4) and said switch housing assembly comprising an alarm terminal (Fig. 3, element (50)) and said fuse alarm terminal in communication with said switch housing alarm terminal (50) when said fuse is received in said fuse receptacle.

Regarding claims 6, 12, and 16, Happ, Marach, and LeVantine disclosed all of the claims limitations as apply to claims 1, 7, and 13, respectively, but did not disclose a second primary fuse link received in said fuse receptacle.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to provide a second primary fuse link in combination of Happ, Marach, and of LeVantine in order to increase current rating of the device, since it has been held that mere

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duplication of the essential working parts of a device involves only routine skill in the art. *St.*

Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/6062914, 6402572, 6317311, 6315580, 6122160, 5442519, 6358099, 6359770, and D452484 disclosed electrical devices utilizing bullet-type electrical connectors.

US/2204948, 5726852, and JP/2000-331572 disclosed fused disconnects.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman
Primary Examiner
Art Unit 2835

A.V.
December 9, 2002

